

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

|                           |   |              |
|---------------------------|---|--------------|
| UNITED STATES OF AMERICA, | ) | 4:09CR3091-2 |
|                           | ) |              |
| Plaintiff,                | ) |              |
|                           | ) |              |
| vs.                       | ) | MEMORANDUM   |
|                           | ) | AND ORDER    |
| JOBITA WILLETТА AVERY,    | ) |              |
|                           | ) |              |
| Defendant.                | ) |              |

Noting that a motion to reduce sentence due to the 2011 crack cocaine amendments has been denied, further noting that a section 2255 motion has been denied, and noting additionally that the Court of Appeals refused to grant a certificate of appealability regarding the denial of the section 2255 motion,

IT IS ORDERED that the Motion for Modification of Sentence (filing no. 302), the Motion for a Transcript (filing no. 304), and the Motion to Proceed in Forma Pauperis (filing no. 305) are denied.

Dated February 5, 2014.

BY THE COURT:

*Richard G. Kopf*  
Senior United States District Judge